

AMENDED IN SENATE JANUARY 27, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE SEPTEMBER 5, 2013

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN ASSEMBLY APRIL 15, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 418

Introduced by Assembly Members ~~Member Mullin and Eggman~~

February 15, 2013

An act to add the heading of Article 1 (commencing with Section 65089.11) to Chapter 2.65 of, and to add Article 2 (commencing with Section 65089.50) to Chapter 2.65 of, Division 1 of Title 7 of, the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 418, as amended, Mullin. Local government: special tax, assessment, or property-related fee.

Existing law, until January 1, 2013, authorized the City/County Association of Governments of San Mateo County to impose a fee of up to \$4 on motor vehicles registered within San Mateo County for a program for the management of traffic congestion and stormwater pollution within that county.

This bill would authorize the City/County Association of Governments of San Mateo County, in accordance with specified provisions of the California Constitution, to impose a parcel tax or a property-related fee

for the purpose of implementing stormwater management programs, as prescribed.

This bill would make legislative findings and declarations as to the necessity of a special statute.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The County of San Mateo and each of the 20 incorporated
4 cities within this county have joined together to form the
5 21-member City/County Association of Governments of San Mateo
6 County, a joint powers agency that addresses issues of countywide
7 significance, including water pollution prevention programs.

8 (b) Each of the 21-member agencies of the City/County
9 Association of Governments of San Mateo County is mandated to
10 comply with municipal stormwater permit requirements issued by
11 the San Francisco Bay Regional Water Quality Control Board.

12 (c) The City/County Association of Governments of San Mateo
13 County helps coordinate municipal stormwater permit compliance
14 activities among its member agencies and, in cases where
15 compliance activities are more effectively implemented at a
16 countywide level, does so on their behalf as directed by its member
17 agencies.

18 (d) The addition of Section 65089.50 to the Government Code
19 will better enable the City/County Association of Governments of
20 San Mateo County to do, among other things, all of the following:

21 (1) In conjunction with its member agencies, protect the
22 *watersheds and* natural resources within the County of San Mateo
23 and restore and enhance the environment, including the long-term
24 protection of the waters of local creeks, the San Francisco Bay,
25 and the coastline along the Pacific Ocean.

26 (2) Develop and adopt a countywide stormwater management
27 program designed to coordinate, fund, and implement water
28 pollution prevention programs within the County of San Mateo,

1 by the City/County Association of Governments of San Mateo
2 County or its member agencies.

3 (3) Impose, consistent with and pursuant to the California
4 Constitution, a special tax or property-related fee within its
5 boundaries to fund activities outlined in its joint powers agreement
6 and consistent with municipal stormwater permit requirements
7 mandated by the San Francisco Bay Regional Water Quality
8 Control Board.

9 *(e) The provisions of this act respond to the specific and unique*
10 *circumstances of the City/County Association of Governments of*
11 *San Mateo County by affirming the association's authority to*
12 *impose, consistent with and pursuant to the California Constitution,*
13 *a special tax or property-related fee within its boundaries to fund*
14 *activities outlined in its joint powers agreement. It is the intent of*
15 *the Legislature that this act shall not be construed to limit, expand,*
16 *or otherwise change any local agency's authority to exercise power*
17 *under the Joint Exercise of Powers Act.*

18 SEC. 2. The heading of Article 1 (commencing with Section
19 65089.11) is added to Chapter 2.65 of Division 1 of Title 7 of the
20 Government Code, to read:

21
22 Article 1. Traffic Congestion and Stormwater Pollution
23

24 SEC. 3. Article 2 (commencing with Section 65089.50) is
25 added to Chapter 2.65 of Division 1 of Title 7 of the Government
26 Code, to read:

27
28 Article 2. Stormwater Management
29

30 65089.50. (a) The City/County Association of Governments
31 of San Mateo County may impose either a special tax subject to
32 the procedures and requirements set forth in subdivision (d) of
33 Section 2 of Article XIII C of the California Constitution, or a
34 property-related fee subject to the procedures and requirements
35 set forth in subdivisions (a), (b), and (c) of Section 6 of Article
36 XIII D of the California Constitution, for the purposes of
37 implementing stormwater management programs consistent with
38 the agencies' joint powers agreement.

39 (b) The special tax or property-related fee, at the option of the
40 City/County Association of Governments of San Mateo County,

1 may be collected on the tax rolls of the county in the same manner,
2 by the same persons, subject to the same penalties, and at the same
3 time as, together with and not separate from, county ad valorem
4 property taxes. In that event, from the amount collected pursuant
5 to this paragraph, the county auditor may deduct that amount
6 required to reimburse the county for its actual cost of collection.

7 SEC. 4. The Legislature finds and declares that, because of the
8 unique circumstances applicable only to the City/County
9 Association of Governments of San Mateo County an existing
10 joint powers agency composed of the county and every city and
11 town within the county that coordinates and provides stormwater
12 permit compliance activities, a statute of general application cannot
13 be enacted within the meaning of subdivision (b) of Section 16 of
14 Article IV of the California Constitution. Therefore, this special
15 statute is necessary.

16 SEC. 5. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

20 In order to timely provide for the protection the water of local
21 creeks, the San Francisco Bay, and the coastline for the use and
22 enjoyment of the citizens of San Mateo and aquatic life, it is
23 necessary that this act take effect immediately.